



**FIGG Bridge Engineers, Inc. Response to  
Dr. Shama's Submission of Petition for Reconsideration**

**Miami, FL**

**HWY18MH009**

**(42 pages)**



May 20, 2020

VIA FEDERAL EXPRESS

The Honorable Robert L. Sumwalt  
Chairman  
National Transportation Safety Board  
490 L'Enfant Plaza SW  
Washington, D.C. 20024

REFERENCE: Highway Accident Report NTSB/HAR-19/02  
Pedestrian Bridge Collapse Over SW 8th Street, Miami, Florida  
March 15, 2018 (the NTSB Report)

Dear Chairman Sumwalt:

Figg Bridge Engineers, Inc. (FIGG) is writing to respond to the request of Dr. Ayman Shama by letter to the National Transportation Safety Board (NTSB), dated December 20, 2019, to make changes to the subject NTSB Report (the Shama Petition). We respectfully request that the NTSB not make the changes requested in the Shama Petition as such changes are not factually correct.<sup>1</sup>

Specifically, the Shama Petition requests that the NTSB change the NTSB Report to state that the scope of work under the contract Louis Berger entered into did not include an analysis of the connections and to make changes to conclusions based on this statement. This request should be denied based on the following:

1. Louis Berger agreed to perform the Independent Peer Review for the concrete pedestrian bridge plans. The scope of work in the contract Louis Berger signed is attached hereto as Attachment 1 and was not amended.
2. Dr. Shama suggests that the NTSB should change the NTSB Report concerning the contract scope of work because of his testimony. Dr. Shama's testimony on what he thinks the time and cost Louis Berger should have agreed to for the scope does not change the scope, time, and fee that Louis Berger did agree to in the contract.<sup>2</sup>

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<sup>1</sup> This response is limited to the requests made in the Shama Petition. By providing this response, FIGG is not confirming an agreement with and reserves rights regarding the NTSB Report.

<sup>2</sup> Attachment 2 is the e-mail between two Louis Berger employees that is Exhibit A to the Shama Petition. This e-mail does not change the scope of work in the contract. Two items in this draft of the scope are the same (Items #4 and 6 are both peer review of the superstructure). The draft scope in the e-mail also referenced an item to peer review cables and anchorage to pylon and superstructure. The bridge was not a cable-stayed bridge, so this item was not applicable and was deleted. Analysis of the connections is part of the peer review of the superstructure included as Section 2, Item #4 of the scope of work in the contract.



3. The scope of work in the contract required that Louis Berger perform an Independent Peer Review for the concrete pedestrian bridge plans in accordance with the project and RFP requirements and FDOT Plans Preparations Manual (Chapter 26). (See Attachment 1, Section 1). The review was for the final foundations, substructure, and superstructure submittals for the pedestrian bridge, with only stairways/landings and elevator structures excluded per the scope of work Section 4. FDOT Plans Preparations Manual Chapter 26 (See Attachment 3) requires a comprehensive review and does not exclude any of the bridge elements, stating:

*“The independent peer review is intended to be a comprehensive, thorough verification of the original work. All independent peer reviews shall include but not be limited to the independent confirmation of the following when applicable...(5) Compliance with Department and FHWA design requirements; (6) Conformity to Department Standards; (7) Structural Analysis Methodology and assumptions; (8) Design results/recommendations (independent verification of the design); (9) Completeness and accuracy of bridge plans...”*

Accordingly, the superstructure review should have included connections and that review was not excluded from the contract scope of work.

4. Louis Berger acknowledged that the scope included a detailed connection analysis. “If we make the detailed connection analysis part of the last submission, yes.” was Louis Berger’s response to the request to agree to the seven (7) week schedule requested by the contractor. (See Attachment 4; E-mail from Jamey Barbas, Louis Berger to Dwight Dempsey, FIGG, August 15, 2016, highlight added. This e-mail was attached to the Shama Petition as Exhibit D.).
5. During negotiation of the contract for the Independent Peer Review, Louis Berger reduced their proposed compensation without reducing the scope of work. This was a business decision considering future work potential. In an internal e-mail from Chris Gagnon (Louis Berger) to Jamey Barbas (Louis Berger) on August 11, 2016, Mr. Gagnon states: “As discussed we can make this work for the \$ 62K. We consider this somewhat an investment and look forward to working more with FIGG” (Attachment 5 with highlight added). Jamey Barbas then forwarded Louis Berger’s proposal to perform the review for \$61,000 to Dwight Dempsey (FIGG). Mr. Dempsey asked for confirmation that the scope of work was the same, stating: “I understand that the original scope remains unchanged, just the fee has been revised”. Ms. Barbas responded: “No reduction in scope” (Attachment 6 with highlight added).
6. The Shama Petition references an e-mail and suggests that it shows a detailed connection analysis was not included in the scope of work. (See Attachment 7. This e-mail was attached to the Shama Petition as Exhibit E). However, the reference to the “scope/limitations of what independent review was covered” in the e-mail is a reference to Sections 3 and 4 of the scope of work. Independent Peer Reviews typically include submissions for both 90% plan submittals and final plan submittals. In the subject project, as the Florida Department of Transportation (FDOT) agreed and confirmed to



the NTSB (See NTSB Report, Section 2.5.2, page 91), the peer review for the project only needed to be done for the final plan submittals and not for 90% plan submittals. This limitation was specified in the scope attached to the contract (Section 3). The scope of work also excluded elevator structures and stairways/landings (Section 4). The obligation to analyze the superstructure (Section 2, Item #4), which includes the truss connections, was not limited.

7. Louis Berger provided letters, professionally signed and sealed by Dr. Shama, certifying that it had achieved the full requirements of the FDOT Plans Preparation Manual, Chapter 26 and other project requirements, stating:

*"Pursuant to the requirements of the Contract Documents, Louis Berger hereby certifies that an independent peer review of the above-referenced submittal has been conducted in accordance with Chapter 26 of the Plans Preparation Manual and all other governing regulations." and "I certify that the component plans listed in this letter have been verified by independent review, that all review comments have been adequately resolved, and that the plans are in compliance with Department and FHWA requirements presented in the Contract Documents."*

The certification letter for the bridge superstructure is shown in Attachment 8. If any part of the bridge such as the connections was excluded from the scope of the independent peer review, the certification letter by Dr. Shama should have indicated so.

Please let us know if you have any questions regarding the Independent Peer Review Scope. We respectfully request that the Shama Petition be denied.

Sincerely,

FIGG BRIDGE ENGINEERS, INC.

A blue ink signature is written over a black rectangular redaction box.

Alan R. Phipps, P.E., S.E.  
Senior Vice President/Director of Operations

Attachments

xc: Mr. Benjamin T. Allen, Esq. (NTSB)  
Ms. Nancy F. Duessel, Esq. (FIGG)



**ATTACHMENT 1**

Contract Scope of Work

## EXHIBIT B

**DESIGN SERVICES SCOPE OF WORK  
FIU UNIVERSITYCITY PROSPERITY PROJECT  
FOR MCM**

**PROVIDED BY  
LOUIS BERGER**

September 13, 2016

The Louis Berger Group, Inc. (Louis Berger) will provide independent peer review services for the FIU UniversityCity Prosperity Project in accordance with the RFP.

**Independent Peer Review Scope**

1. Louis Berger will perform Independent Peer Review for the concrete pedestrian bridge plans in accordance with the project and RFP requirements and FDOT Plans Preparation Manual (Chapter 26).

2. The Independent Peer Review will include the following activities:

Item #	Item Description
1	Develop finite element model for the bridge and estimation of demands on all elements due to different load combinations
2	Peer review of foundation plans
3	Peer review of substructure plans
4	Peer review of superstructure plans

3. The Independent Peer Review will be performed for the following submittals:
  - a) Final Foundation and Substructure Plan Submittals
  - b) Final Superstructure Plan Submittals
4. This Independent Peer Review scope of work is for the pedestrian bridge structure components only. The elevator structures and stairways/landings are not included in this scope of work.

**Schedule**

The Independent Peer Review activities will be completed according to the following schedule:

Notice to Proceed (NTP)	August 17, 2016
Modeling and Evaluation of Demand	August 31, 2016
Review of Final Foundation Plans	September 7, 2016
Review of Final Substructure Plans	September 21, 2016
Review of Final Superstructure Plans	October 5, 2016



**ATTACHMENT 2**

July 25, 2016 e-mail from Ayman Shama (Louis Berger) to Jamey Barbas (Louis Berger)  
(Exhibit A of the Shama Petition)

**From:** [REDACTED]  
**Sent:** 7/25/2016 2:29:38 PM  
**To:** Jamey Barbas [REDACTED]  
**Subject:** Fwd: Florida International University/UniversityCity Prosperity Project - Independent Peer Review

**Jamey A Barbas, PE**  
 Senior Vice President | Global Practice Leader for Major Structures

direct [REDACTED]  
 mobile [REDACTED]  
 email [REDACTED]  
 web [louisberger.com](http://louisberger.com)

**Louis Berger**  
 48 Wall Street 16<sup>th</sup> Floor | New York | New York | 10005 | USA

Begin forwarded message:

**From:** "Shama, Ayman" [REDACTED]  
**Date:** July 25, 2016 at 10:00:16 AM EDT  
**To:** "Barbas, Jamey" [REDACTED]  
**Subject:** RE: Florida International University/UniversityCity Prosperity Project - Independent Peer Review

Hello Jamey,

Please see below

Item #	Item Description	Estimated hours
1	develop finite element model for the bridge and estimation of demands on all elements due to different load combinations	200
2	Peer review of Pylon and foundations	80
3	peer review of cables and anchorage to pylon and superstructure	80
4	Peer review of superstructure	80
5	Peer review of foundation and substructure plans	80
6	Peer review of Superstructure	80
Total hours		600
Total fee in Dollars		125,112

Documents required for independent check:  
 Complete set of project plans



geotechnical report  
project specifications or design criteria

Best regards,  
Ayman

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**From:** Barbas, Jamey [REDACTED]  
**Sent:** Friday, July 22, 2016 6:02 PM  
**To:** Shama, Ayman  
**Subject:** Fwd: Florida International University/UniversityCity Prosperity Project - Independent Peer Review

**Jamey A Barbas, PE**  
Senior Vice President | Global Practice Leader for Major Structures

direct [REDACTED]  
mobile [REDACTED]  
email [REDACTED]  
web [louisberger.com](http://louisberger.com)

**Louis Berger**  
48 Wall Street 16<sup>th</sup> Floor | New York | New York | 10005 | USA

Begin forwarded message:

**From:** "Dempsey, Dwight" [REDACTED]  
**To:** "Barbas, Jamey" [REDACTED]  
**Subject:** RE: Florida International University/UniversityCity Prosperity Project - Independent Peer Review

Jamey,

Attached is a scope of work for the Independent Peer Review. Can you please review and prepare a fee proposal for this effort. This will be a concentrated effort and we need to be as efficient as possible with the budget and schedule.

I will be calling to discuss.

Thank you!

Dwight

Dwight D. Dempsey, P.E., S.E.  
Regional Director  
Southeastern Regional Office  
FIGG Bridge Engineers, Inc.  
424 N. Calhoun St.  
Tallahassee, FL 32301



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**From:** Barbas, Jamey [REDACTED]  
**Sent:** Tuesday, July 05, 2016 8:34 PM  
**To:** Dempsey, Dwight  
**Subject:** RE: Florida International University/UniversityCity Prosperity Project - Independent Peer Review

Dwight,

Thank you for your call today. I am attaching Dr. Shama's resume. Please note that he will update his resume to include his Florida PE license that was recently obtained. I can assist in this peer review if you wish, as I have designed several pedestrian bridges.

As far as the corporate FDOT prequal, we are still waiting on one of our staff's PE license to qualify. I will make sure we call and get a specific status update from FDOT as soon as possible and revert back to you this week.

Thank you.  
Jamey

Thanks and regards,  
Jamey

**Jamey A Barbas, PE**  
Senior Vice President | Global Practice Leader for Major Structures

direct [REDACTED]  
mobile [REDACTED]  
email [REDACTED]  
web [louisberger.com](http://louisberger.com)

**Louis Berger**  
48 Wall Street 16<sup>th</sup> Floor | New York | New York | 10005 | USA

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**From:** Dempsey, Dwight [REDACTED]  
**Sent:** Tuesday, July 05, 2016 3:37 PM  
**To:** Barbas, Jamey [REDACTED]  
**Subject:** Florida International University/UniversityCity Prosperity Project - Independent Peer Review

Jamey,

As we discussed, we want to further coordinate with you and your team on performing the independent peer review for the above reference project. You can find preliminary information on the project in the link below.

<http://news.fiu.edu/2016/02/fiu-selects-mcmfigg-to-design-and-build-pedestrian-bridge-across-8th-street/97102>

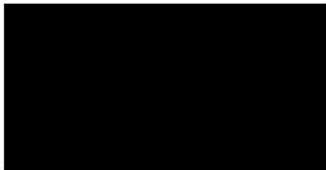
Please provide the resume with qualifications for the independent peer review engineer who would be designated for this project. They must be a FL PE and I also wanted to confirm that LB has the complex bridge-concrete FDOT prequal still in place.

This will require an aggressive schedule and fee proposal and I will be putting together more detailed information to provide to you shortly.

Thanks,

Dwight

Dwight D. Dempsey, P.E., S.E.  
Regional Director  
Southeastern Regional Office  
FIGG Bridge Engineers, Inc.  
424 N. Calhoun St.  
Tallahassee, FL 32301



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### ATTACHMENT 3

Florida DOT Plans Preparations Manual, Chapter 26, Section 26.12  
(Independent Peer Review of Category 2 Bridges)

## 26.12 Independent Peer Review of Category 2 Bridges

When an independent peer review of Category 2 bridge plans is required by the contract documents, a single independent engineering firm other than the engineer responsible for the initial work will be designated by the contractor to conduct the review. The designated independent review engineer shall be pre-qualified in accordance with **Rule 14-75 of the Florida Administrative Code**.

The independent peer review is intended to be a comprehensive, thorough verification of the original work. All independent peer reviews shall include but not be limited to the independent confirmation of the following when applicable:

1. Compatibility of bridge geometry with roadway geometrics including typical sections, horizontal alignment, and vertical alignment.
  2. Compatibility of construction phasing with Traffic Control Plans.
  3. Critical horizontal and vertical clearances.
  4. Potential Conflicts with underground and overhead utilities.
  5. Compliance with Department and FHWA design requirements.
  6. Conformity to Department Standards.
  7. Structural Analysis Methodology and assumptions.
  8. Design results/recommendations (independent verification of the design).
  9. Completeness and accuracy of bridge plans.
  10. Technical Special Provisions.
  11. Modified Special Provisions.
  12. Constructability issues.
- \* When design of superstructure elements is the result of software using refined analyses (e.g. Grid, Finite Element Method, etc.), the peer review consultant shall verify the design results by an alternative program/method.

In addition to the requirements of **PPM Sections 26.11.3 and 26.11.4**, the following documents shall be included with plan submittals for Category 2 bridges requiring an independent peer review:

1. 90% Plan Submittals
  - a. A tabulated list of all review comments from the independent review engineer and responses from the originator of the design.

- b. A standard peer review certification letter following the format presented in **Exhibit 26-B** signed by the independent review engineer. All outstanding/unresolved comments and issues presented in this letter shall be resolved and implemented prior to the 100% plan submittal.
  2. 100% Plan Submittals
    - a. A certification letter following the format presented in **Exhibit 26-C** signed and sealed by the independent review engineer stating that all review comments have been adequately addressed and that the design is in compliance with all Department and FHWA requirements.

## 26.13 Plans Assembly

Consult the **Structures Detailing Manual** for plans assembly, materials, content of plans, and other drafting information.

## 26.14 Plans Submittal

### 26.14.1 Schedule

The District Project Manager is responsible for establishing the schedule of submittals with input from the EOR and either the District Structures Design Engineer for Category 1 or Structures Design Office for Category 2 projects.

### 26.14.2 Submittal Schedule

1. BDR/30% Structures Plans
2. 60% Substructure Submittal/60% Structures Plans
3. 90% Structures Plans
4. 100% Structures Plans



**ATTACHMENT 4**

August 15, 2016 e-mails: Dwight Dempsey (FIGG) and Jamey Barbas (Louis Berger)  
(Exhibit D of the Shama Petition)

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**From:** Dempsey, Dwight [REDACTED]  
**Sent:** 8/15/2016 10:31:59 AM  
**To:** Barbas, Jamey [REDACTED]  
**Subject:** RE: Florida International University/University City Prosperity Project - Independent Peer Review

Thank you Jamey. How about 10:30AM my time?

Dwight

Dwight D. Dempsey, P.E., S.E.  
Regional Director  
Southeastern Regional Office  
FIGG Bridge Engineers, Inc.  
424 N. Calhoun St.  
Tallahassee, FL 32301

---

**From:** Barbas, Jamey [REDACTED]  
**Sent:** Monday, August 15, 2016 6:13 AM  
**To:** Dempsey, Dwight  
**Subject:** Re: Florida International University/University City Prosperity Project - Independent Peer Review

10:00 or later your time is best for me...  
Thanks.

**Jamey A Barbas, PE**  
Senior Vice President | Global Practice Leader for Major Structures

direct [REDACTED]  
mobile [REDACTED]  
email [REDACTED]  
web [louisberger.com](http://louisberger.com)

**Louis Berger**  
[48 Wall Street 16<sup>th</sup> Floor | New York | New York | 10005 | USA](http://48 Wall Street 16<sup>th</sup> Floor | New York | New York | 10005 | USA)

On Aug 15, 2016, at 12:52 PM, Barbas, Jamey [REDACTED] wrote:

Hi Dwight,

If we make the detail connection analysis part of the last submission, yes.

I can discuss with you. Let me know a good time.

Best,



Jamey

**Jamey A Barbas, PE**  
Senior Vice President | Global Practice Leader for Major Structures

direct [REDACTED]  
mobile [REDACTED]  
email [REDACTED]  
web [louisberger.com](http://louisberger.com)

**Louis Berger**  
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On Aug 15, 2016, at 12:05 PM, Dempsey, Dwight [REDACTED] wrote:

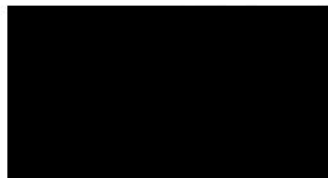
Hi Jamey,

Are you available to discuss on Monday? The contractor wanted to make sure that this could be completed in 7 weeks as this was the duration of the other consultant. The independent peer review is critical path and they do not want this to impact the construction schedule. I am in the office on Monday and available to discuss at your convenience.

Thank you,

Dwight

Dwight D. Dempsey, P.E., S.E.  
Regional Director  
Southeastern Regional Office  
FIGG Bridge Engineers, Inc.  
424 N. Calhoun St.  
Tallahassee, FL 32301



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**From:** Barbas, Jamey [REDACTED]  
**Sent:** Monday, August 15, 2016 3:47 AM  
**To:** Dempsey, Dwight  
**Subject:** Re: Florida International University/University City Prosperity Project - Independent Peer Review

Dwight,

I reviewed the durations with the analyst. Two weeks to develop all the modeling and analysis does appear too tight. The reason is that in addition to the global model, we would like to assess the performance of the pipe stays to tower connections and to deck due to wind fatigue and will need to develop significantly

detailed models for this assessment. Also ADINA will be used for all the analyses. Canned programs cannot be used effectively. As you know, we are dealing here with innovative design and non standard connections.

Therefore, I strongly recommend at least three weeks for the analysis instead of two for a proper evaluation.

Please let me know if you wish to discuss.

Thanks,

Jamey

**Jamey A Barbas, PE**

Senior Vice President | Global Practice Leader for Major Structures


direct  
mobile  
email  
web



[louisberger.com](http://louisberger.com)

**Louis Berger**

48 Wall Street 16<sup>th</sup> Floor | New York | New York | 10005 | USA

On Aug 12, 2016, at 10:05 PM, Dempsey, Dwight   
wrote:

Hi Jamey,

Wanted to speak with you again regarding this work. What opportunities do we have to condense the schedule into a 7 week time period as listed below? We are coordinating with FDOT to forego the requirement to have the independent peer review performed on the 90% Superstructure Plans and just perform the review for the Final Superstructure Plans. FDOT has told us that we can submit the independent peer review with the Final Foundation and Substructure packages (and not with the 90% packages too) so we are looking to extend this to the superstructure package. This will save on your review effort. Can we make this 7 week schedule work?

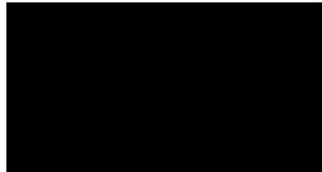
Develop Model and Demand Loading – 2 Weeks from NTP  
Review of Final Foundation Plans – 1 week  
Review of Final Substructure Plans (Including pylon) – 2 weeks  
Review of Final Superstructure Plans – 2 Weeks

I want to tell you again that this is not our style with getting multiple prices on engineering and we are sorry that it turned out this way. We did not expect to have to do this and there are budget and schedule implications that are driving this. We appreciate your flexibility here.

Thank you Jamey,

Dwight

Dwight D. Dempsey, P.E., S.E.  
Regional Director  
Southeastern Regional Office  
FIGG Bridge Engineers, Inc.  
424 N. Calhoun St.  
Tallahassee, FL 32301



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**From:** Barbas, Jamey [REDACTED]  
**Sent:** Thursday, August 11, 2016 11:53 AM  
**To:** Dempsey, Dwight  
**Subject:** Fwd: Florida International University/University City Prosperity Project - Independent Peer Review

Revised.

**Jamey A Barbas, PE**  
Senior Vice President | Global Practice Leader for Major Structures

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**Louis Berger**  
48 Wall Street 16<sup>th</sup> Floor | New York | New York | 10005 | USA

Begin forwarded message:

**From:** "Gagnon, Chris" [REDACTED]  
[REDACTED]  
**Date:** August 11, 2016 at 6:49:41 PM GMT+3  
**To:** "Barbas, Jamey" [REDACTED]  
**Subject:** RE: Florida International University/University City Prosperity Project - Independent Peer Review

Jamey

Scope of Work for Peer review

Item #	Item Description
1	develop finite element model for the bridge and estimation of demand due to different load combinations
2	Peer review of Pylon and foundations
3	Peer review of superstructure
4	Peer review of foundation and substructure plans
5	Peer review of Superstructure plans

Based on the Scope above our Lump Sum Fee will be \$ 61,000.

Please note that no Out of Pocket costs are included for any trips. Should these be determined to be required at a later date we would expect to be reimbursed at cost.

This message, including any attachments hereto, may contain privileged and/or confidential information and is intended solely for the attention and use of the intended addressee(s). If you are not the intended addressee, you may neither use, copy, nor deliver to anyone this message or any of its attachments. In such case, you should immediately destroy this message and its attachments and kindly notify the sender by reply mail. Unless made by a person with actual authority conferred by Louis Berger, the information and statements herein do not constitute a binding commitment or warranty by Louis Berger. Louis Berger assumes no responsibility for any misperceptions, errors or misunderstandings. You are urged to verify any information that is confusing and report any errors/concerns to us in writing.



**ATTACHMENT 5**

August 11, 2016 e-mails: Chris Gagnon (Louis Berger) and Jamey Barbas (Louis Berger)

**From:** Gagnon, Chris [REDACTED]  
**Sent:** 8/11/2016 3:49:41 PM  
**To:** Barbas, Jamey [REDACTED]  
**Subject:** RE: Florida International University/University City Prosperity Project - Independent Peer Review

Jamey

Scope of Work for Peer review

Item #	Item Description
1	develop finite element model for the bridge and estimation of demands on all elements due to different load combinations
2	Peer review of Pylon and foundations
3	Peer review of superstructure
4	Peer review of foundation and substructure plans
5	Peer review of Superstructure plans

Based on the Scope above our Lump Sum Fee will be \$ 61,000.

Please note that no Out of Pocket costs are included for any trips. Should these be determined to be required at a later date we would expect to be reimbursed at cost

---

**From:** Barbas, Jamey [REDACTED]  
**Sent:** Thursday, August 11, 2016 11:34 AM  
**To:** Gagnon, Chris [REDACTED]  
**Subject:** Re: Florida International University/University City Prosperity Project - Independent Peer Review

Chris,

Can you resend a new proposal email with same scope and bit revised fee for \$61,000?

Thanks,  
Jamey

**Jamey A Barbas, PE**  
Senior Vice President | Global Practice Leader for Major Structures

direct [REDACTED]  
mobile [REDACTED]  
email [REDACTED]  
web [louisberger.com](http://louisberger.com)

**Louis Berger**  
48 Wall Street 16<sup>th</sup> Floor | New York | New York | 10005 | USA

On Aug 11, 2016, at 6:00 PM, Gagnon, Chris [REDACTED] wrote:

Jamey

As discussed we can make this work for the \$ 62K. We consider this somewhat an investment and look forward to working more with Figg

A few points on the subcontract:

- 1 The contract should be with Ammann & Whitney, Consulting Engineers, PC address 96 Morton Street, NY, NY 10014  
Although the integration has occurred some of the new legal entities are still yet to be finalized and registered.
- 2 Under insurance there is a requirement for Products/Completed Operations Aggregate Limit \$ 2,000,000 We are not sure of this requirement. Is it necessary for a Peer review?
- 3 Please have schedule adjusted based on accepted durations and new start date

Thanks

Chris

---

**From:** Barbas, Jamey [REDACTED]  
**Sent:** Wednesday, August 10, 2016 5:54 AM  
**To:** Gagnon, Chris [REDACTED]; Shama, Ayman [REDACTED]  
[REDACTED]  
**Subject:** Fwd: Florida International University/University City Prosperity Project - Independent Peer Review

Gentlemen,

Please expedite the review of the agreement and be prepared to sharpen your pencils. If we have to reduce fee, we can exclude certain scope via assumptions.

I would be happy to discuss a reduced effort in anticipation - to be prepared.

Let's not let this opportunity escape us.

Thanks,

Jamey

**Jamey A Barbas, PE**  
Senior Vice President | Global Practice Leader for Major Structures

direct [REDACTED]  
mobile [REDACTED]  
email [REDACTED]  
web [louisberger.com](http://louisberger.com)  
**Louis Berger**

48 Wall Street 16<sup>th</sup> Floor | New York | New York | 10005 | USA

Begin forwarded message:

**From:** "Barbas, Jamey" [REDACTED]  
**Date:** August 10, 2016 at 12:12:54 PM GMT+3  
**To:** "Dempsey, Dwight" [REDACTED]  
**Subject:** **Re: Florida International University/University City Prosperity Project - Independent Peer Review**

Dwight,

Thanks for the update.

Please note the quote we have is for a very thorough scope and creation of independent models. Please inform FIU on evaluating bids, as a lesser fee may be associated with less effort/value.

We would appreciate a opportunity to respond with a BAFO if necessary to be fair and level the assumptions.

Best,

Jamey

**Jamey A Barbas, PE**  
Senior Vice President | Global Practice Leader for Major Structures

direct [REDACTED]  
mobile [REDACTED]  
email [REDACTED]  
web [louisberger.com](http://louisberger.com)

**Louis Berger**  
48 Wall Street 16<sup>th</sup> Floor | New York | New York | 10005 | USA

On Aug 10, 2016, at 1:12 AM, Dempsey, Dwight [REDACTED] wrote:

Hi Jamey,

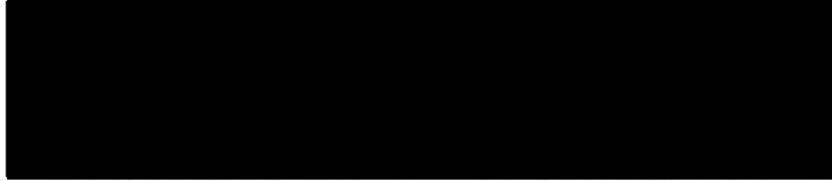
I wanted to give you a brief update. MCM has requested FIGG to get a 2nd quote for performing the independent peer review, which we are currently coordinating. They need this for their discussions with FIU. We can't start this effort until we get NTP in writing. I will keep you apprised of the situation but wanted you to know where this stands.

Thank you,



Dwight

Dwight D. Dempsey, P.E., S.E.  
Regional Director  
Southeastern Regional Office  
FIGG Bridge Engineers, Inc.  
424 N. Calhoun St.  
Tallahassee, FL 32301





**ATTACHMENT 6**

August 11, 2016 e-mails: Dwight Dempsey (FIGG) and Jamey Barbas (Louis Berger)

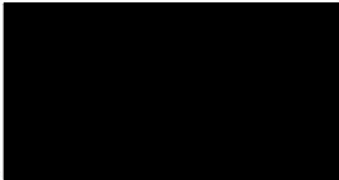
**From:** Dempsey, Dwight [REDACTED]  
**Sent:** 8/11/2016 4:06:46 PM  
**To:** Barbas, Jamey [REDACTED]  
**Subject:** RE: Florida International University/University City Prosperity Project - Independent Peer Review

Ok, I think we are good.

I will get back to you.

Dwight

Dwight D. Dempsey, P.E., S.E.  
Regional Director  
Southeastern Regional Office  
FIGG Bridge Engineers, Inc.  
424 N. Calhoun St.  
Tallahassee, FL 32301



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**From:** Barbas, Jamey [REDACTED]  
**Sent:** Thursday, August 11, 2016 12:06 PM  
**To:** Dempsey, Dwight  
**Subject:** Re: Florida International University/University City Prosperity Project - Independent Peer Review

No reduction in scope.

Okay?

Jamey

**Jamey A Barbas, PE**  
Senior Vice President | Global Practice Leader for Major Structures

direct [REDACTED]  
mobile [REDACTED]  
email [REDACTED]  
web [louisberger.com](http://louisberger.com)

**Louis Berger**  
[48 Wall Street 16<sup>th</sup> Floor | New York | New York | 10005 | USA](http://48 Wall Street 16<sup>th</sup> Floor | New York | New York | 10005 | USA)

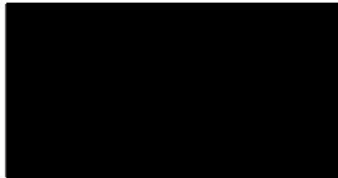
On Aug 11, 2016, at 7:04 PM, Dempsey, Dwight [REDACTED] wrote:

Thank you Jamey. I just left you a voicemail. I understand that the original scope remains unchanged, just the fee has been revised. Unless you have other questions/comments, feel free to give me a call on my mobile.

Thank you

Dwight

Dwight D. Dempsey, P.E., S.E.  
Regional Director  
Southeastern Regional Office  
FIGG Bridge Engineers, Inc.  
424 N. Calhoun St.  
Tallahassee, FL 32301



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**From:** Barbas, Jamey [REDACTED]  
**Sent:** Thursday, August 11, 2016 11:53 AM  
**To:** Dempsey, Dwight  
**Subject:** Fwd: Florida International University/University City Prosperity Project - Independent Peer Review

Revised.

**Jamey A Barbas, PE**  
Senior Vice President | Global Practice Leader for Major Structures

direct [REDACTED]  
mobile [REDACTED]  
email [REDACTED]  
web [louisberger.com](http://louisberger.com)

**Louis Berger**  
[48 Wall Street 16<sup>th</sup> Floor | New York | New York | 10005 | USA](http://48 Wall Street 16<sup>th</sup> Floor | New York | New York | 10005 | USA)

Begin forwarded message:

**From:** "Gagnon, Chris" [REDACTED]  
**Date:** August 11, 2016 at 6:49:41 PM GMT+3  
**To:** "Barbas, Jamey" [REDACTED]  
**Subject:** RE: Florida International University/University City Prosperity Project - Independent Peer Review

Jamey

Scope of Work for Peer review

Item #	Item Description
1	develop finite element model for the bridge and estimation of demands on all elements due to different load combinations
2	Peer review of Pylon and foundations
3	Peer review of superstructure
4	Peer review of foundation and substructure plans
5	Peer review of Superstructure plans

Based on the Scope above our Lump Sum Fee will be \$ 61,000.

Please note that no Out of Pocket costs are included for any trips. Should these be determined to be required at a later date we would expect to be reimbursed at cost.

This message, including any attachments hereto, may contain privileged and/or confidential information and is intended solely for the attention and use of the intended addressee(s). If you are not the intended addressee, you may neither use, copy, nor deliver to anyone this message or any of its attachments. In such case, you should immediately destroy this message and its attachments and kindly notify the sender by reply mail. Unless made by a person with actual authority conferred by Louis Berger, the information and statements herein do not constitute a binding commitment or warranty by Louis Berger. Louis Berger assumes no responsibility for any misperceptions, errors or misunderstandings. You are urged to verify any information that is confusing and report any errors/concerns to us in writing.



**ATTACHMENT 7**

January 31, 2017 e-mails: Dwight Dempsey (FIGG) and Nancy Duessel (FIGG)  
(Exhibit E of the Shama Petition)

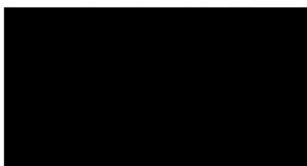
**From:** Dempsey, Dwight [REDACTED]  
**Sent:** Tuesday, January 31, 2017 7:50 PM  
**To:** Duessel, Nancy [REDACTED]  
**Cc:** Phipps, Alan [REDACTED]  
**Subject:** RE: FIU Pedestrian Bridge RELOCATION - GEOSOL Geotechnical FEE Proposal\_12-19-16

---

We can discuss in the morning. The independent peer review is approx. 90% complete and will be completed in the next 2 weeks.

Dwight

Dwight D. Dempsey, P.E., S.E.  
Regional Director  
Southeastern Regional Office  
FIGG Bridge Engineers, Inc.  
424 N. Calhoun St.  
Tallahassee, FL 32301



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**From:** Duessel, Nancy  
**Sent:** Tuesday, January 31, 2017 7:27 PM  
**To:** Dempsey, Dwight  
**Cc:** Phipps, Alan  
**Subject:** Re: FIU Pedestrian Bridge RELOCATION - GEOSOL Geotechnical FEE Proposal\_12-19-16

Dwight –

The other change orders reference back to our request but this one just references a peer review. The request we sent for the independent review had scope/limitations of what independent review was covered. Should we reference the scope? I don't know if there was any discussion about how to limit the scope, etc. to know if we have any concern. Other than that I just saw a few clean up points. If all else is ok probably let them go as I saw in the initial e-mails on this change order the sensitivity around the point:

Re line references Bridge Relocation not Independent Peer Review  
They reference "was" \$61,000. Is the work done?  
Between is misspelled in the first sentence

Can we have a quick call in the morning?

Nancy

---

**From:** "Dempsey, Dwight" [REDACTED]  
**Date:** Tuesday, January 31, 2017 at 4:03 PM  
**To:** FIGG [REDACTED]

Cc: "Phipps, Alan" [REDACTED]  
**Subject:** FW: FIU Pedestrian Bridge RELOCATION - GEOSOL Geotechnical FEE Proposal\_12-19-16

Nancy,

This is for the Independent Peer Review. I have reviewed and have no comments. Let me know if you have any comments.

Dwight

Dwight D. Dempsey, P.E., S.E.  
Regional Director  
Southeastern Regional Office  
FIGG Bridge Engineers, Inc.  
424 N. Calhoun St.  
Tallahassee, FL 32301

[REDACTED]

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**From:** Rodrigo Isaza [REDACTED]  
**Sent:** Tuesday, January 31, 2017 5:02 PM  
**To:** Dempsey, Dwight  
**Cc:** Daniela Delgado, P.E.  
**Subject:** RE: FIU Pedestrian Bridge RELOCATION - GEOSOL Geotechnical FEE Proposal\_12-19-16

Dwight,  
As discussed with Juan/Bob, attached find the updated CO. Please sign and send back at your earliest convenience.  
Thank you

RODRIGO ISAZA | Sr. Project Manager [REDACTED]  
MCM | 6201 SW 70th St., 2nd Floor, Miami, FL 33143 | [www.mcm-us.com](http://www.mcm-us.com).  
Please consider the environment before printing. A reminder from MCM, Building Excellence

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**From:** Rodrigo Isaza  
**Sent:** Friday, January 27, 2017 4:51 PM  
**To:** Dempsey, Dwight  
**Cc:** Daniela Delgado, P.E.  
**Subject:** Re: FIU Pedestrian Bridge RELOCATION - GEOSOL Geotechnical FEE Proposal\_12-19-16

Dwight,  
Let me chat with Bob and Juan. Will get back to you early next week.

Thanks

RODRIGO ISAZA | Sr. Project Manager [REDACTED]  
MCM | 6201 SW 70 St., 2nd Floor, Miami, FL 33143 | [www.mcm-us.com](http://www.mcm-us.com).  
Please consider the environment before printing. A reminder from MCM... Building Excellence.

On Jan 27, 2017, at 4:32 PM, Dempsey, Dwight [REDACTED] wrote:

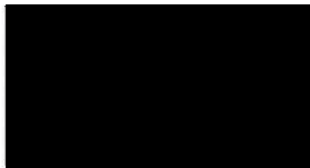


Rodrigo,

This was not what Linda and Juan agreed to. The change order amount was for the \$61k and not to be split in half.

Dwight

Dwight D. Dempsey, P.E., S.E.  
Regional Director  
Southeastern Regional Office  
FIGG Bridge Engineers, Inc.  
424 N. Calhoun St.  
Tallahassee, FL 32301



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**From:** Rodrigo Isaza [REDACTED]  
**Sent:** Friday, January 27, 2017 3:58 PM  
**To:** Dempsey, Dwight  
**Cc:** Daniela Delgado, P.E.; Hango, Erika N.  
**Subject:** RE: FIU Pedestrian Bridge RELOCATION - GEOSOL Geotechnical FEE Proposal\_12-19-16

Dwight,  
Here is the peer review CO.  
Thank you

RODRIGO ISAZA | Sr. Project Manager [REDACTED]  
MCM | 6201 SW 70th St., 2nd Floor, Miami, FL 33143 | [www.mcm-us.com](http://www.mcm-us.com).  
Please consider the environment before printing. A reminder from MCM, Building Excellence

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**From:** Rodrigo Isaza  
**Sent:** Friday, January 27, 2017 11:18 AM  
**To:** 'Dempsey, Dwight'  
**Cc:** Daniela Delgado, P.E.; Hango, Erika N.  
**Subject:** RE: FIU Pedestrian Bridge RELOCATION - GEOSOL Geotechnical FEE Proposal\_12-19-16

Dwight,  
Here you have the executed copy. Peer review is also coming later today. Also, is Geosol confirmed for Monday?  
Thank you

RODRIGO ISAZA | Sr. Project Manager [REDACTED]  
MCM | 6201 SW 70th St., 2nd Floor, Miami, FL 33143 | [www.mcm-us.com](http://www.mcm-us.com).  
Please consider the environment before printing. A reminder from MCM, Building Excellence

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**From:** Dempsey, Dwight [REDACTED]  
**Sent:** Friday, January 27, 2017 11:06 AM  
**To:** Rodrigo Isaza  
**Cc:** Daniela Delgado, P.E.; Hango, Erika N.

**Subject:** RE: FIU Pedestrian Bridge RELOCATION - GEOSOL Geotechnical FEE Proposal\_12-19-16

Rodrigo,

Attached is signed CO. Please also provide the CO for the Independent Peer Review.

Thank you,

Dwight

Dwight D. Dempsey, P.E., S.E.  
Regional Director  
Southeastern Regional Office  
FIGG Bridge Engineers, Inc.  
424 N. Calhoun St.  
Tallahassee, FL 32301

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**From:** Rodrigo Isaza [REDACTED]  
**Sent:** Friday, January 27, 2017 7:36 AM  
**To:** Dempsey, Dwight  
**Cc:** Daniela Delgado, P.E.; Hango, Erika N.  
**Subject:** RE: FIU Pedestrian Bridge RELOCATION - GEOSOL Geotechnical FEE Proposal\_12-19-16

Dwight,  
Following the release and NTP of the bridge relocation work sent via the attached email, as committed, attached please find MCM CO#004 regarding this additional scope of services. Therefore, please confirm Geosol has been scheduled for this coming Monday, 30Jan17, as requested. In addition, ensure they will commence the staging area and temp Span 2 foundation as well per my email of yesterday. As we both know, performing this work under one mobilization provides substantial benefits for both us.

Thank you

RODRIGO ISAZA | Sr. Project Manager | [REDACTED]  
MCM | 6201 SW 70th St., 2nd Floor, Miami, FL 33143 | [www.mcm-us.com](http://www.mcm-us.com).  
Please consider the environment before printing. A reminder from MCM, Building Excellence

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**From:** Rodrigo Isaza  
**Sent:** Monday, January 23, 2017 4:48 PM  
**To:** 'Dempsey, Dwight'  
**Cc:** Daniela Delgado, P.E.; Hango, Erika N.  
**Subject:** RE: FIU Pedestrian Bridge RELOCATION - GEOSOL Geotechnical FEE Proposal\_12-19-16

Dwight,  
As discussed, we will send you the CO this week, but under all circumstances no later than Friday. Meanwhile, please start coordinating with Geosol for them to be onsite Monday, 30Jan17 (this is critical to ensure we meet the 3-week period submittal for re-permitting). Also, the intent would be to perform the bridge relocation scope of work first and staging immediately after.

Thank you

RODRIGO ISAZA | Sr. Project Manager [REDACTED]  
MCM | 6201 SW 70th St., 2nd Floor, Miami, FL 33143 | [www.mcm-us.com](http://www.mcm-us.com).  
Please consider the environment before printing. A reminder from MCM, Building Excellence

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**From:** Dempsey, Dwight [REDACTED]  
**Sent:** Monday, January 23, 2017 2:26 PM  
**To:** Rodrigo Isaza  
**Cc:** Daniela Delgado, P.E.  
**Subject:** FW: FIU Pedestrian Bridge RELOCATION - GEOSOL Geotechnical FEE Proposal\_12-19-16

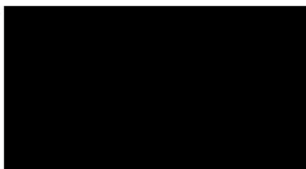
Rodrigo,

Please see below. We need to get MCM's formal approval for this change order in order to release Geosol to start this work. What is the timeframe for getting this formal CO along with the Independent Peer Review CO back to FIGG?

Thank you,

Dwight

Dwight D. Dempsey, P.E., S.E.  
Regional Director  
Southeastern Regional Office  
FIGG Bridge Engineers, Inc.  
424 N. Calhoun St.  
Tallahassee, FL 32301



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**From:** geosolusa [REDACTED]  
**Sent:** Monday, January 23, 2017 8:21 AM  
**To:** Dempsey, Dwight  
**Cc:** Hango, Erika N.; Feliciano, Manuel  
**Subject:** Re: FIU Pedestrian Bridge RELOCATION - GEOSOL Geotechnical FEE Proposal\_12-19-16

Good morning all,

Dwight, thanks for the update.


Our company policies and auditors require a formal signed Sub-consultant Agreement for us to get started.

Please send at your earliest convenience.

Have a good day.

Respectfully,

Oracio Riccobono, P.E.  
GEOSOL, Inc.  
5795-A NW 151ST STREET  
MIAMI LAKES, FL 33014



On Saturday, January 21, 2017 1:11 PM, "Dempsey, Dwight"  wrote:

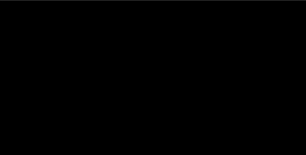
Oracio,

MCM has issued NTP for the bridge location change order. Let this email serve as NTP for GEOSOL to start the work activities covered in the attached scope and fee document. FDOT/FIU approved your scope and fee proposal dated January 11, 2017 with an OM of 35% and 2016 rates. They did not accept your revised proposal with an OM of 27% and 2017 rates. A formal supplement will be issued next week.


Thank you,

Dwight

Dwight D. Dempsey, P.E., S.E.  
Regional Director  
Southeastern Regional Office  
FIGG Bridge Engineers, Inc.  
424 N. Calhoun St.  
Tallahassee, FL 32301




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**From:** geosolusa   
**Sent:** Thursday, January 12, 2017 8:57 AM  
**To:** Dempsey, Dwight  
**Subject:** Re: FIU Pedestrian Bridge RELOCATION - GEOSOL Geotechnical FEE Proposal\_12-19-16

As requested.

I have also attached our Audit Package.

Respectfully,  
Oracio Riccobono, P.E.  
GEOSOL, Inc.  
5795-A NW 151ST STREET  
MIAMI LAKES, FL 33014



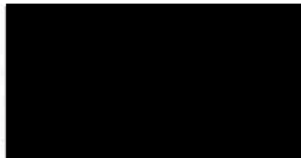
On Thursday, January 12, 2017 8:49 AM, "Dempsey, Dwight" [REDACTED] wrote:

If that is the case, please send me your finalized scope and fee proposal as I have not received.

Thank you,

Dwight

Dwight D. Dempsey, P.E., S.E.  
Regional Director  
Southeastern Regional Office  
FIGG Bridge Engineers, Inc.  
424 N. Calhoun St.  
Tallahassee, FL 32301



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**From:** Oracio Riccobono [REDACTED]  
**Sent:** Thursday, January 12, 2017 8:47 AM  
**To:** Dempsey, Dwight  
**Subject:** Re: FIU Pedestrian Bridge RELOCATION - GEOSOL Geotechnical FEE Proposal\_12-19-16

Dwight reviewer provided approval of negotiated hours yesterday via the email he sent to Alfredo, which I forwarded to you.

There is nothing else on reviewer's end.

This is the procedure followed in D6.

Please follow up with Alfredo to confirm receipt.

Respectfully,  
Oracio Riccobono, P.E.  
Geosol, Inc.  
5795-A NW 151st Street  
Miami Lakes, FL 33014



On Jan 12, 2017, at 8:37 AM, Dempsey, Dwight [REDACTED] wrote:

Oracio,

MCM has not heard back from Alfredo Reyna regarding approval. Can you please follow up with the FDOT Geotech you have been coordinating with to see where your approval stands?

Thank you,

Dwight

Dwight D. Dempsey, P.E., S.E.  
Regional Director  
Southeastern Regional Office  
FIGG Bridge Engineers, Inc.  
424 N. Calhoun St.  
Tallahassee, FL 32301



---

**From:** Oracio Riccobono [REDACTED]  
**Sent:** Wednesday, January 11, 2017 1:37 PM  
**To:** Dempsey, Dwight  
**Subject:** Fwd: FIU Pedestrian Bridge RELOCATION - GEOSOL Geotechnical FEE Proposal\_12-19-16

FYI

Respectfully,  
Oracio Riccobono, P.E.  
Geosol, Inc.  
5795-A NW 151st Street  
Miami Lakes, FL 33014



Begin forwarded message:

**From:** "Viala, Adrian" [REDACTED]  
**Date:** January 11, 2017 at 1:32:17 PM EST  
**To:** "Reyna, Alfredo" [REDACTED]  
**Cc:** "Kim, Michael" [REDACTED], geosolusa  
[REDACTED]  
**Subject:** FW: FIU Pedestrian Bridge RELOCATION - GEOSOL  
Geotechnical FEE Proposal\_12-19-16

Hi Alfredo,  
See attached finalized staff hours negotiated with Geosol.  
Thanks

Adrian Albert Viala, P.E.  
Asst. District Geotechnical Engineer  
FDOT District 4 & 6 Materials Office  
14200 West SR84  
Davie, FL 33325



---

**From:** geosolusa [REDACTED]  
**Sent:** Wednesday, January 11, 2017 1:24 PM  
**To:** Viala, Adrian  
**Cc:** Kim, Michael

Subject: Re: FIU Pedestrian Bridge RELOCATION - GEOSOL Geotechnical  
FEE Proposal\_12-19-16

Hello gentlemen,

Adrian, attached please find the revised man-hours per our follow up our negotiations and conversation of this morning.

I will be out of office attending meetings and be back at about 4 pm.

Respectfully,  
Oracio Riccobono, P.E.  
GEOSOL, Inc.  
5795-A NW 151ST STREET  
MIAMI LAKES, FL 33014

On Wednesday, January 11, 2017 11:05 AM, geosolusa [REDACTED]  
wrote:

Hello gentlemen,

Adrian, attached please find the revised man-hours per our negotiations on Monday 1/9/17 and our follow up conversation of yesterday afternoon.

Respectfully,  
Oracio Riccobono, P.E.  
GEOSOL, Inc.  
5795-A NW 151ST STREET  
MIAMI LAKES, FL 33014

On Monday, January 9, 2017 2:06 PM, "Viala, Adrian" [REDACTED]  
wrote:

Hi Oracio,  
Attached is the initial mark-up I sent to Alfredo. Please review and lets discuss prior to the meeting.  
Regards

Adrian Albert Viala, P.E.  
Asst. District Geotechnical Engineer  
FDOT District 4 & 6 Materials Office  
14200 West SR84  
Davie, FL 33325

[REDACTED]

**From:** geosolusa [REDACTED]  
**Sent:** Monday, January 09, 2017 1:54 PM  
**To:** Viala, Adrian  
**Subject:** FIU Pedestrian Bridge RELOCATION - GEOSOL Geotechnical FEE Proposal\_12-19-16

Hello Adrian,

Attached as requested please find the most current GEOSOL's Geotechnical FEE Proposal prepared on 12-19-16.

Have a nice afternoon.

Respectfully,  
Oracio Riccobono, P.E.  
GEOSOL, Inc.  
5795-A NW 151ST STREET  
MIAMI LAKES, FL 33014

[REDACTED]

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**ATTACHMENT 8**

Superstructure Independent Peer Review Certification Letter

February 10, 2017

FIU / Florida International University  
Facilities Construction Services  
Facilities Management  
11555 S.W. 17<sup>th</sup> Street CSC 251  
Miami, FL 33199



Attn: Alberto Delgado

**Reference:** Independent Peer Review Category 2 Structures  
University City Prosperity Project  
Financial Project ID: 434688-1-58-01  
Federal Aid Number:  
Contract Number: BT-904

**Submittal:** 100% Bridge Superstructure Plans  
Submittal No. 3  
Bridge Number(s): N/A

Dear Mr. Delgado,

Pursuant to the requirements of the Contract Documents, Louis Berger hereby certifies that an independent peer review of the above-referenced submittal has been conducted in accordance with Chapter 26 of the Plans Preparation Manual and all other governing regulations. Component plans that were included in the peer review are as follows:

100% Bridge Superstructure Plans

**Outstanding / Unresolved Comments and Issues:**

All comments have been resolved.

**Certification Statement:**

I certify that the component plans listed in this letter have been verified by independent review, that all review comments have been adequately resolved, and that the plans are in compliance with Department and FHWA requirements presented in the Contract Documents.

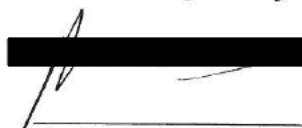
Please do not hesitate to contact me if you have any questions.

Name of Independent Review Firm	Louis Berger
Name of Independent Reviewer	Ayman A. Shama, Ph.D., P.E.
Title	Associate Vice President / Director of Seismic Engineering

Florida Professional Engineer Lic. No.



Signature:

  
Ayman A. Shama, Ph.D., P.E.

Date:

February 10, 2017